

REMARKS

The Official Action and the cited references have again been carefully reviewed. The review indicates that the claims, as now amended, recite patentable subject matter and should be allowed. Reconsideration and allowance are therefore respectfully requested.

Before addressing the grounds upon which the rejections have been made, a summarization of the essentials of the invention are given to draw a clearer line of distinction between the invention's permanent ground covering mulch of self-coherent particulate magnetic material and the soil conditioner disclosed in the cited and applied reference of Kenmoku.

Permanent ground covering mulches are susceptible to being moved and scattered by wind and/or rain unless they are of sufficient size to resist the same; however, at this size they are not easily spread and are aesthetically unacceptable.

Applicant has resolved this problem by inventing a permanent mulch material that is relatively small in particle size, easy to spread, and can resist movement under the effects of wind and rain.

This has been unexpectedly been accomplished by providing a permanent ground covering mulch of a self-coherent particulate magnetic material comprising a mixture of a particulate magnetic material and a particulate magnetic attracting material; wherein the particulate magnetic material comprises magnetic particles of a dimension of from about 1 to about 25 millimeters, and comprises at least about 50% by volume of the self-coherent particulate magnetic material mixture.

Claims 14, 16 and 20 were rejected as being anticipated by Kenmoku et al. under 35 USC §102 (b).

Applicant respectfully traverses this rejection and requests reconsideration for reasons hereinafter set forth.

Kenmoku only disclose a soil conditioner which contains ferromagnetic iron oxide that is used as soil for plant cultivation by itself or in the form of a mixture with soil. This soil conditioner may adsorb nutrients such as ammonia, K and phosphorus from the soil and supply these to plants.

No where in Kenmoku is there any disclosure of or reference to inclusion of a particulate magnetic attracting material or a particulate magnetically inert material. Kenmoku also lacks any disclosure of or reference to the particle size dimensions of the magnetic material – and, the size of particles necessary to resist movement under the effects of wind and rain for permanent mulches - as opposed to a soil conditioner. Finally, Kenmoku lacks applicant's requirement that the magnetic particles for easy spreading be of a dimension of from 1 to about 25mm, and comprise at least 50% by volume of the mulch mixture.

Accordingly, Kenmoku fails to anticipate applicant's claims – as presently amended under the requirements of 35 U.S.C. 102(b).

Withdrawal of the rejection is respectfully requested.

Claim 17 was rejected as being obvious over Kenmoku under 35 USC §103(a).

Applicant respectfully traverses this rejection and request reconsideration for reasons hereinafter elaborated.

Although Kenmoku has been discussed above it is worth while to reiterate that Kenmoku only disclosure a soil conditioner of ferromagnetic iron oxide which adsorbs nutrients such as ammonia, K and phosphorous. No where in Kenmoku et al. is there any reference to or mention of, the use of a mulch of a self-coherent particulate magnetic material comprising a

mixture of a particulate magnetic material and a particular magnetic attracting material or particulate magnetically inert material – let alone a mulch in which the magnetic particles are of a dimension of from about 1 to about 25mm, and comprise at least 50% by volume of the mixture.

Accordingly, the fact that the soil conditioner of ferromagnetic iron oxide of Kenmoku et al. may adsorb nutrients such as ammonia, K and phosphorous from the soil in no way teaches or suggests to one skilled in the art that adsorption of these materials from the soil is equivalent to or obvious with a permanent mulch comprising a particulate magnetic attracting material or a particulate magnetically inert material with the ferromagnetic iron oxide material to render it self-coherent.


Thus, there is no self-coherency in Kemmoku soil conditioner – but instead, adsorption.

It is only by hindsight after reference to applicant's invention that the allegation is made that it would be obvious to prepare a permanent mulch having a particulate magnetic attracting material or a particulate magnetically inert material as called for by the present invention. A soil conditioner is not a mulch and Kenmoku fails to teach it as such.

Withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments, remarks and arguments, it is believed that the application is now in condition for allowance and early notification of the same is earnestly solicited.

Respectfully submitted,



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